

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TINKU ACHARYA,
PRABIR K. BISWAS and NILOY J. MITRA

Appeal No. 2005-0377
Application 09/723,123

ON BRIEF

Before THOMAS, MACDONALD, and NAPPI, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's final rejection of claims 1 through 15.

Representative claim 1 is reproduced below:

1. A method comprising:

providing error data that indicate motion in an image;

representing error data as a collection of ordered bits; and

coding the bits of each order to indicate zerotree roots that are associated with the order;

performing wavelet transformations on said image with error data to provide wavelet coefficients for a wavelet transformed error image; and

in a single pass, embedding zerotree coding of the wavelet transformed error image while encoding insignificant wavelet coefficients in the course of initial passes.

The following references are relied on by the examiner:

Ogata et al. (Ogata)	5,777,678	Jul. 7, 1998
Zador	6,125,201	Sep. 26, 2000
	(§ 102(e) date	Dec. 18, 1998)
Sodagar et al. (Sodagar)	6,157,746	Dec. 5, 2000
		(filed Dec. 31, 1997)

Claims 1, 4, 6, 7, 10 and 12 through 15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Zador. The remaining claims on appeal stand rejected under 35 U.S.C. § 103. As evidence of obviousness as to claims 2, 3, 8 and 9, the examiner relies upon Zador in view of Sodagar. As to claims 5 and 11, the examiner relies upon Zador and Ogata.

Rather than repeat the positions of the appellants and the examiner, reference is made to the Brief (no Reply Brief has been filed) for appellants' positions, and to the Answer for the examiner's positions.

OPINION

For the reasons set forth by the examiner in the Answer, we sustain each of the three stated rejections of the claims on appeal.

According to appellants' groupings of the claims on appeal at the top of page 10 of the Brief, arguments are presented only as to independent claim 1 as representative of this claim and claims 3, 4 and 6 through 15. Separate arguments are presented as to the first stated rejection under 35 U.S.C. § 103 of claims 2, 3, 8 and 9 with the focus of the arguments directed only at claim 2 as representative of all these claims. A corresponding approach has been applied to the second stated rejection of the claims under 35 U.S.C. § 103 where appellants consider claim 5 as representative of claims 5 and 11.

For those claims grouped with respect to representative independent claim 1 on appeal and argued at pages 10 through 13 of the Brief, we agree with the examiner's responsive arguments

at pages 7 through 9 of the Answer responding directly to each of the separately stated arguments as to representative claim 1 on appeal. Since the examiner embellishes there upon the examiner's statement of the rejection in earlier pages of the Answer by making specific references to different portions of Zador, we are persuaded that Zador otherwise teaches or indicates to the artisan the subject matter as set forth in the respective clauses of representative claim 1 on appeal argued by appellants. There is no Reply Brief filed to contest the examiner's views with respect to Zador.

In considering appellants' arguments as to representative claim 2 at pages 13 and 14 of the Brief, we note initially that appellants do not argue against the combinability of Sodagar with Zador within 35 U.S.C. § 103. Again, the examiner's positions set forth at page 9 of the Answer responsive to the appellants' arguments directly meet them in a persuasive manner in the absence of any Reply Brief contesting the examiner's views otherwise.

As to the rejection of claim 5, this rejection is sustained as well notwithstanding appellants' arguments at pages 14 and 15 of the Brief. As to this rejection, we agree

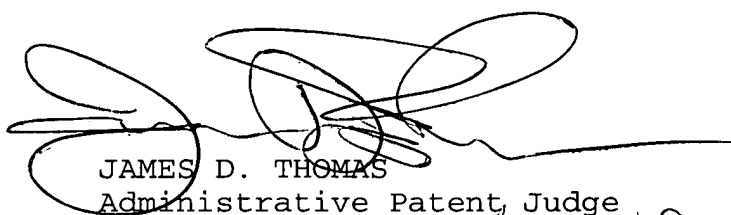
with the examiner's observations at page 10 of the Answer that Zador already clearly provides significant teachings as to the subject matter of claim 5 on appeal but merely does not explicitly teach the conventionality of a difference between two wavelet transformed frames. Ogata was offered to show the conventionality of the approach that is broadly claimed to generally indicate the art would recognize that Ogata's teachings with respect to a difference between a predicted wavelet coefficient and a wavelet coefficient to be encoded would have rendered obvious the feature of taking the difference of two successive discrete wavelet transformed coded frames as in claim 5. The general argument of non-motivation of combinability at page 15 of the Brief, to the extent argued, is met by the examiner's remarks at the bottom of page 10 of the Answer.

Therefore, on the basis of the weight of the evidence and arguments of unpatentability presented by the examiner in the Answer, we do not agree with appellants' general assertions as to patentability of the features recited in the noted claims. The decision of the examiner rejecting various claims under 35 U.S.C. § 102 and 35 U.S.C. § 103 is sustained. Therefore, the decision of the examiner is affirmed.

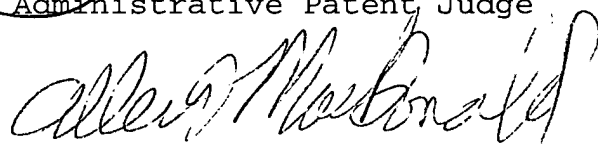
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No time period for taking any subsequent action in
connection with this appeal may be extended under 37 CFR
§ 1.136(a).

AFFIRMED



JAMES D. THOMAS
Administrative Patent Judge



ALLEN R. MACDONALD
Administrative Patent Judge



ROBERT E. NAPPI
Administrative Patent Judge

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